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REMARKS

1. Applicant thanks the Examiner for the Examiner's comments which have greatly assisted Applicant in responding, especially in Response to Arguments.

In addition, Applicant thanks the Examiner for further general comments and guidance on claim format and conditional statements in the Claims during the interview on September 11, 2006.

2. **Claim Objections.**

The Examiner objected to Claims 1, 5, 6, 8, 11, 12, 16, 18, 30, 32, 34, and 35 because of particular informalities, which were recited in detail in the action. Appropriate correction was requested by the Examiner.

Applicant has amended the Claims accordingly.

It is Applicant's understanding from the interview that what the Examiner objected to was not incorrect per se, but that such Claims would be better cited as per Examiner's suggestions, primarily for readability and understandability of method-claims.

Applicant is of the opinion that the amendment to Claims overcome the Claim Objections. Applicant respectfully requests that the Examiner withdraw the Claim Objections.

3. **35 U.S.C. §112, second paragraph.**

The Examiner rejected Claims 1, 8, 12, and 30 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, Applicant uses both "in" the identified section and "on" the identified section.

Applicant understands from the interview that Applicant is to choose one or the other for consistency. Applicant chooses "in" and has amended such Claims accordingly. Support can be found in the Specification at least on page 14, lines 6-10 as follows (emphasis added):

> "Referring again to state 812 and Figure 7, if the database management system 106 Figure 2) at the state 812 determines that the pre-existing data record is smaller than the new data record, the database management system 106 (Figure 2) proceeds to a state 820. **Since the new data record will not fit in the space occupied by the pre-existing data record**, an overwrite operation cannot be performed."

Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §112, second paragraph.

4. **35 U.S.C. §103(a).**

(a) The Examiner has rejected Claims 1, 3, 4, 12, 30, and 32 under 35 U.S.C. §103(a) as being unpatentable over Take (U.S. Patent No. 6,442,553) in view Fecteau (U.S. Patent No. 5,594,881) and further in view of Nemes (U.S. Patent No. 5,893,120).

Applicant respectfully traverses. Applicant incorporates herein the arguments from the previous responses, including those that discuss the cited references.

Applicant has amended the independent Claims to further clarify the invention. Support can be found at least in Figs. 7 and 8 and the accompanying text, on page 12 – 16.

Applicant asserts that none of the cited prior art alone or in combination teach or suggest:

otherwise, ranking all data records in said identified section according to a computer implemented ranking function;

summing sizes of all said data records below rank of said new data record;

if said sum is not greater than said size of said new data record ending the process by returning a failure indicator, indicating said database data structure is unable to store said new data record in said one of the sections; and

if said sum is greater than said size of said new data record, then deleting one or more data records from the identified section based on said ranking until there is sufficient space for the new data record and appending the new data record at the end of the identified section

Therefore, in view of the above, it is deemed that Claims 1, 12, and 30 and the respective dependent Claims are in condition for allowance. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection under 35 USC §103(a).

(b) The Examiner has rejected Claims 5-7 under 35 U.S.C. §103(a) as being unpatentable over Take (U.S. Patent No. 6,442,553), Fecteau (U.S. Patent No. 5,594,881) and Nemes (U.S. Patent No. 5,893,120) in view of Nguyen (U.S. Patent No. 5,809,494).

Claims 5-7 are dependent upon an independent claim deemed in allowable condition. Accordingly, Claims 5-7 are deemed to be in allowable condition. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §103(a).

(c) The Examiner has rejected Claims 8, 10, 11, and 33-35 under 35 U.S.C. §103(a) as being unpatentable over Take (U.S. Patent No. 6,442,553) in view of Fecteau (U.S. Patent No. 5,594,881), and in view of Nguyen (U.S. Patent No. 5,809,494) and further in view of Nemes (U.S. Patent No. 5,893,120).

Similarly to the amendments discussed above, Claim 8 has been amended to further clarify the invention.

In view of discussion hereinabove, Applicant is of the opinion that Claim 8 and its dependent claims are deemed in allowable condition. Claim 33-35 are dependent on independent Claim 30 deemed to be in allowable condition as discussed hereinabove. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §103(a).

(d) The Examiner has rejected Claims 12 and 14-29 under 35 U.S.C. §103(a) as being unpatentable over Nguyen (U.S. Patent No. 5,809,494) and Take (U.S. Patent No. 6,442,553) in view of Nemes (U.S. Patent No. 5,893,120) and further in view of Fecteau (U.S. Patent No. 5,594,881).

In view of the discussion hereinabove, Applicant is of the opinion that Claims 12 and 20 and the respective dependent claims are deemed in allowable condition. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §103(a).

5. It should be appreciated that Applicant has elected to amend Claims solely for the purpose of expediting the patent application process in a manner consistent with the PTO's Patent Business Goals, 65 Fed. Reg. 54603 (9/8/00). In making such amendment and cancellations, Applicant has not and does not in any way narrow the scope of protection to which Applicant considers the invention herein to be entitled. Rather, Applicant reserves Applicant's right to pursue such protection at a later point in time and merely seeks to pursue protection for the subject matter presented in this submission.

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CONCLUSION

Based on the foregoing, Applicant considers the present invention to be distinguished from the art of record. Accordingly, Applicant earnestly solicits the Examiner's withdrawal of the rejections raised in the above referenced Office Action, such that a Notice of Allowance is forwarded to Applicant, and the present application is therefore allowed to issue as a United States patent. The Examiner is invited to call to discuss the response.

Respectfully Submitted,

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